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Via Facsimile

MEMO ENDORSED

IT IS ORDERED that counsel to whom this
Endorsement is sent is responsible for f.
copy to all counsel and retaining verif
of such in the case file. Do not fax this
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September 6, 2005

Honorable Paul A. Crotty
United States District Judge
United States Courthouse
40 Centre Street
Room 2102
New York, NY 10007-1312

RE: *Empresa Generadora de Electricidad ITABO, S.A. ("ITABO") v.
Corporación Dominicana de Empresas Eléctricas Estatales ("CDEEE"),
No. 05 CV 5004 (PAC)*

Dear Judge Crotty,

We represent the plaintiff, Empresa Generadora de Electricidad ITABO, S.A. ("ITABO"), in the above-referenced action.

A conference with the Court has been scheduled for September 13, 2005, and the Court has requested that the parties advise it, in a joint letter, of the status of the case.

We wish to advise the Court that ITABO has today filed a Notice of Appeal with the Clerk of the District Court appealing from (1) the Decision and Order denying ITABO's motion to compel arbitration and to enjoin defendant Corporación Dominicana de Empresas Eléctricas Estatales ("CDEEE") from pursuing litigation against ITABO in the courts of the Dominican Republic, entered in this action on July 19, 2005, and (2) the Order Denying Reconsideration of that Decision and Order, entered in this action on August 5, 2005.

We have conferred with Steven Gerber, counsel for CDEEE, regarding the conference scheduled for September 13, 2005. In light of the pending appeal, the parties do not believe that a conference is necessary at this time.

Respectfully submitted,


Grant Hanessian

Cc: Steven Gerber, Esq.
Mary P. Gallagher, Esq.
Susan R. Knox, Esq.

September 8, 2005
In light of plaintiff ITABO's filing
of a notice of appeal from Judge
Berman's order of July 18, 2005 and August
5, 2005, this matter is placed on
the suspense docket, to be restored, if
appropriate, upon completion of arbitration
proceedings from the notice of appeal
So ordered
Paul Crotty 09/08/05

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Client/Matter No.	35174680-000001				
Re	<i>Empresa Generadora de Electricidad ITABO, S.A. ("ITABO") v. Corporación Dominicana de Empresas Eléctricas Estatales ("CDEEE"), No. 05 CV 5004 (PAC)</i>				
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